

REMARKS

Entry of the foregoing amendment is respectfully requested. The amendment does not present any additional claims or require further search or consideration. The amendment places the application in better form for an appeal should an appeal be necessary. Accordingly, entry of the foregoing, and further favorable reconsideration of the subject application in light of the following remarks, are respectfully requested.

As correctly indicated in the Office Action Summary, claims 1-3 and 22-51 are pending in the application and are under consideration; claims 1-3 and 22-24 stand rejected. Applicants note with appreciation that the Examiner has indicated that claims 50 and 51 are allowable but for dependence on rejected base claims.

By way of the instant Amendment, withdrawn claims 25-49 have been canceled without prejudice or disclaimer to the subject matter disclosed therein. Claim 1 has been amended delete the phrase "saturated or unsaturated heterocyclic group" and instead to list moieties described for example at pages 6 and 27-44. Claims 50 and 51 have been rewritten independent form, incorporating the subject matter of claim 1.

No new matter is added by way of the present amendment. Any subject matter that may have been canceled by the present amendment is canceled without prejudice or disclaimer. The right to file a continuation or divisional application directed to any canceled subject matter is reserved.

Claim rejections under 35 USC § 112:

Claims 1-3 stand rejected under 35 U.S.C. § 112, first paragraph as encompassing subject matter that is allegedly not enabled by the specification. Specifically, the Examiner

has alleged that the phrase “saturated or unsaturated heterocyclic group” in the definition of Q’ is not enabled.

Without agreeing with the alleged basis of the rejection, but simply in order to expedite prosecution of subject matter that has been agreed upon, claim 1 has been amended to delete recitation of the phrase saturated or unsaturated heterocyclic group and to recite heterocyclic moieties described on pages 6 and 27-44 of the specification.

Accordingly, the alleged basis of the rejection has been obviated and withdrawal of the rejection is respectfully requested.

Claim rejections for obviousness-type double patenting:

Claims 1-3 and 22-24 stand rejected under the judicially created doctrine of obviousness-type double patenting over U.S. Patent No. 6,559,146. A terminal disclaimer is submitted herewith, thereby rendering the rejection moot. Accordingly, withdrawal of the rejection is respectfully requested.

Claims objected to:

Claims 50 and 51 have been indicated as allowable except for dependence on a rejected base claim. By the present amendment, claims 50 and 51 are rewritten in independent form. Withdrawal of the objection is respectfully requested.

CONCLUSION

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

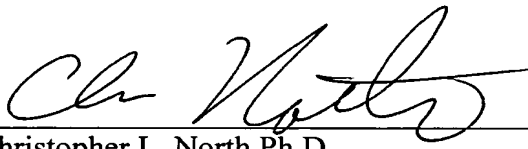
In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned concerning such questions so that prosecution of this application may be expedited.

The Director is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

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